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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,791	05/29/2001	David Borcham	P5834	7719

7590 08/04/2004
WAGNER, MURABITO & HAO LLP
Two N. Market st.
Third Floor
San Jose, CA 95113

EXAMINER

LU, KUEN S

ART UNIT PAPER NUMBER

2177

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,791

Applicant(s)

BOREHAM ET AL.

Examiner

Kuen S Lu

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on February 4, 2004.
2. The Applicant's Amendments made to the Specification and Drawings are noted and considered.
3. In responding to Applicant's Amendments made to the claims, the Examiner has created this Office Action for Final Rejection as shown next.
4. As for the Applicant's Remarks on claim rejections, filed on February 4, 2004, has been fully considered by the Examiner, please see discussion in the section **Response to Arguments**, following the Office Action for Final Rejection.

Claim Objections

5. Claim 19 is objected to because of the following informalities: The claim has been amended in the Amendments, however, it is shown as "(Original)" instead of "(Currently Amended)". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-3 and 5-30 are rejected under 35 U.S.C. 102(a) as anticipated by iPlanet (iPlanet Directory Server Administrator's Guide, Version 5.0, April 2001, Sun Microsystems, Inc., hereafter "iPlanet").

As per claims 1 and 16, iPlanet teaches the following:

“associating a plurality of entries with a directory system that is accessed by an application, wherein the plurality of entries comprises a first entry and a second entry” (See Pages 39-40 wherein iPlanet’s **Directory Server Console providing predefined templates for creating entries, including a first and a second entries**, is equivalent to the Applicant’s associating a plurality of entries with a directory system that is accessed by an application);

“associating an at least one attribute with the first and entry and the second entry” (See Page 41 wherein iPlanet’s **Modifying Directory Entries can Add an attribute to an entry** is equivalent to Applicant’s associating attributes to entries);

“generating the value of at least one attribute of the first entry, whereby the user’s attribute may be shared with other entries in a manner transparent to an application” (See Pages 171-172, Para. “Creating a New CoS”, steps 1 through 8, wherein iPlanet’s **sharing (adding through listing) attributes at step 5 and overriding target entry attribute at step 6 for making it transparent to application** is equivalent to Applicant’s generating value of attributes of the entry and sharing attributes); and

“associating the value with the at least one attribute, whereby the value is shared by the first entry and the second entry in a manner that is transparent to the application” (See Page 41 wherein iPlanet’s **Modifying Directory Entries can Add a same attribute value to an entry** is equivalent to Applicant’s associating shared attribute values to entries);

As per claims 2 and 17, iPlanet teaches “generating the value of the at least one attribute at the time the entry is transmitted to an application” (See Page 172, step 7

wherein iPlanet's **overriding target entry attribute and being operational, so that it is not visible to the client applications unless explicitly requested** is equivalent to Applicant's generating value of attribute when the entry is transmitted).

As per claims 3 and 18, iPlanet teaches "generating the value of the at least one attribute immediately prior to the time the entry is transmitted to an application" (See Page 172, step 6 wherein iPlanet's **overriding target entry attribute and being operational, so that it is not visible to the client applications unless explicitly requested** is equivalent to Applicant's generating value of attribute prior to the entry's transmittal).

As per claims 5 and 20, iPlanet teaches the following:

"defining a class of service (CoS) service attribute, wherein the CoS attribute includes a CoS definition entry and template entry" (See Pages 39-40 wherein iPlanet's **Directory Server Console providing predefined templates for creating entries and attributes, including a first and a second entries**, is equivalent to the Applicant's defining CoS service attributes, including definition and template entries);

"associating the CoS attribute with a target entry that lies within a CoS scope of the CoS Definition entry and the Template entry" (See See Page 41 wherein iPlanet's **Modifying Directory Entries can Add a same attribute value to an entry** is equivalent to Applicant's associating shared attribute values to entries); and

"providing an attribute value for the target entry based on CoS Definition entry and the Template entry" (See Page 44 wherein iPlanet's **adding value to a multiple attribute values attribute** is equivalent to Applicant's providing an attribute value to the entries).

As per claim 6 and 21, iPlanet teaches “the CoS Definition entry is stored as an LDAP subentry below the branch at which it is effective” (See Page 176, Table 5-3 wherein iPlanet’s **showing LDAPSubEntry as superior class for Pointer, Indirect and Classic CoS** is equivalent to Applicant’s CoS storing as a subentry).

As per claims 7 and 22, iPlanet teaches “the CoS Definition entry identifies a CoS type being used” (See Page 176, Table 5-3, wherein iPlanet’s CoS Definitions **CoS type “Indirect CoS”** is equivalent to Applicant’s CoS definition of CoS type).

As per claims 8 and 23, iPlanet teaches “the Template entry contains a list of attribute values that are shared” at Page 170 Diagram wherein iPlanet’s **values of attributes departmentNumber and manager are shared between entries** is equivalent to Applicant’s shared list of attribute values of the template entry).

As per claims 9 and 24, iPlanet teaches “the CoS scope is defined by the DN of the CoS Definition entry” (See Page 173, lines 2-3 wherein iPlanet’s **showing one of the target entry’s attributes, a classic CoS** is equivalent to Applicant’s defining the CoS scope).

As per claim 10 and 25, iPlanet teaches “the presence or absence of the target entry’s CoS specifier determines whether the target entry may receive a CoS value” at Page 170 Diagram wherein iPlanet’s **the target entry receives CoS values for attributes of CoS definition entry and using a combination of the template DN and a CoS specifier to identify the template entry** is equivalent to Applicant’s CoS presence for deciding target entry to receive a CoS value).

As per claims 11 and 26, iPlanet teaches "an attribute value stored in a CoS Template determines what value a target entry may receive as a CoS value" at Page 170 Diagram wherein iPlanet's **the target entry receives CoS values for attributes of CoS definition entry** is equivalent to Applicant's CoS presence for deciding target entry to receive a CoS value).

As per claims 12 and 27, iPlanet teaches "changing an attribute value in the Template entry" at Page 173, Section "Editing an Existing CoS" wherein iPlanet's teaches the Applicant's claim language above).

As per claims 13 and 28, iPlanet teaches "automatically applying the changed attribute value to all entries that share the attribute" Page 173, step 6, Section "Editing an Existing CoS" wherein iPlanet's **editing an existing CoS** is equivalent to Applicant's applying changed attribute value to entry).

As per claims 14 and 29, iPlanet teaches "the changed attribute values are applied to an entry that shares the attribute at the time the entry is transmitted to an application" at Page 172, step 7 wherein iPlanet's **overriding target entry attribute and being operational** is equivalent to Applicant's applying changed values to a transmitted shared entry).

As per claims 15 and 30, iPlanet teaches "the changed attribute values are applied to an entry that shares the attribute immediately prior to the time the entry is transmitted to an application" at Page 172, step 6 wherein iPlanet's **overriding target entry attribute and being operational, so that it is not visible to the client applications unless explicitly**

requested is equivalent to Applicant's applying changed values to shared entry prior to its transmittal).

As per claim 19, iPlanet teaches "sixth component configured to generate the value based on a class of service logic, wherein the value provides information associated with a user of the application" (See Pages 171-173, Para. "Creating a New CoS", steps 1 through 8, wherein iPlanet's **using Directory Server Console to create entry and its attributes** is equivalent to Applicant's using CoS to generate attribute).

8. The prior art made of record

U. iPlanet Directory Server Administrator's Guide, Version 5.0, Sun Microsystems, Inc., Doc. ID 816-0799-01, April, 2001.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. U.S. Patent Publication 2003/0191763

Response to Arguments

9. Applicants have submitted, February 2, 2004, a declaration under 37 C.F.R. 1.132 attempting to show that the iPlanet publication is applicants' invention.

The Examiner notes that the only statement addressing the issue is in paragraph number 3, which states "We conceived and invented the subject matter disclosed the above iPlanet reference".

This statement is inadequate to remove the reference as prior art. Applicants must (a) show, by way of evidence, that he or she made the invention upon which the relevant disclosure is based and (b) that the author of the publication derived his

knowledge of the relevant subject matter from Applicant. (See MPEP 715.01(c), subsection entitled "DERIVATION")

No evidence is provided to support declarant's conclusory statement. Furthermore, declarant's statement can be read to merely mean that the iPlanet publication discloses what Applicants have independently invented. As the issue is not whether Applicants have independently invented but whether the reference is attributable to Applicants, the declaration is not effective.

10. In light of the forgoing arguments, the U.S.C 102 rejection for Claims 1-3 and 5-30 is hereby sustained.

Conclusions

11. THIS ACTION IS MADE FINAL.

The Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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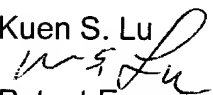
12. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

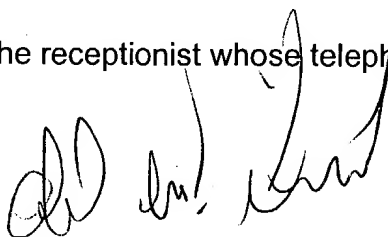
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu

Patent Examiner

July 22, 2004



Alford W. Kindred
Primary Examiner

July 22, 2004